

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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VENUS WALKER, )  
Plaintiff, ) 2:10-cv-894-KJD-RJJ  
vs. )  
TITANIUM METALS CORPORATION, ) ORDER  
etc., *et al.*, )  
Defendant, )

This matter is was referred to the undersigned Magistrate Judge on Defendants' Motion to Consolidate Early Neutral Evaluation Sessions (#8).

The Court having reviewed the Motion (#8) and good cause appearing therefore,

IT IS HEREBY ORDERED that Defendants' Motion to Consolidate Early Neutral Evaluation Sessions (#8) is **GRANTED**.

IT IS FURTHER ORDERED that the Early Neutral Evaluation hearing scheduled for December 3, 2010, before Judge Peggy A. Leen is **VACATED**.

IT IS FURTHER ORDERED that the undersigned Magistrate Judge will conduct a consolidated Early Neutral Evaluation hearing on November 19, 2010, at 9:00 AM in Case Nos. 2:10-cv-894-KJD-RJJ and 2:10-cv-1082-PMP-LRL. Counsel and the parties shall check in with chambers upon arrival at the courthouse.

All counsel of record who will be participating in the trial of this case, all parties appearing *pro se*, if any, and all individual parties must be present.

In the case of non-individual parties, counsel shall arrange for a representative, with binding authority to settle this matter up to the full amount of the claim, to be present in court for

1 the duration of the ENE session.

2 If any party is subject to coverage by an insurance carrier, then a representative of the  
3 insurance carrier, with authority to settle this matter up to the full amount of the claim, must also  
4 be present in court for the duration of the ENE session.

5 **PREPARATION FOR EARLY NEUTRAL EVALUATION SESSION**

6 In preparation for the ENE session, the attorneys for each party shall submit a confidential  
7 written evaluation statement for the Court's *in camera* review. The ENE statement shall be  
8 concise and shall:

9 A. Identify, by name or status, the person(s) with decision-  
10 making authority, who, in addition to counsel, will attend the ENE  
session as representatives of the party;

11 B. Describe briefly the substance of the suit, addressing the  
12 party's views on the key liability issues and damages;

13 C. Describe the principal evidence upon which your party's  
14 claims or defenses are based. State the statutory or other authority  
upon which you base your claims.

15 D. Address whether there are legal or factual issues whose  
16 early resolution would reduce significantly the scope of the dispute  
or contribute to settlement negotiations;

17 E. Describe the history and status of settlement negotiations;  
and,

18 F. Include copies of documents, pictures, recordings, etc., out  
19 of which the suit arose, or whose availability would materially  
20 advance the purposes of the evaluation session, (e.g., medical  
reports, documents by which special damages might be  
determined.)

21 The ENE written evaluation statements shall be delivered to chambers, Room 3005, not  
22 later than **November 12, 2010. DO NOT DELIVER OR MAIL THEM TO THE CLERK'S**  
**OFFICE. DO NOT SERVE A COPY ON OPPOSING COUNSEL.** An original of the ENE  
23 written evaluation statement should be in an envelope clearly marked "Confidential, contains  
24 ENE evaluation statement".

25 The purpose of the ENE statement is to assist the Court in preparing for and conducting  
26 the ENE session. In order to facilitate a meaningful conference, your utmost candor in providing  
27 the requested information is required. The ENE statement will not be seen by the District Judge  
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1 or Magistrate Judge assigned to this case. The confidentiality of each statement will be strictly  
2 maintained unless a party gives the Court permission to reveal some or all of the information  
3 contained with the statement. Following the ENE session, the statements will be destroyed. If  
4 documents are submitted to the Court for review, the party submitting the documents may  
5 request their return provided that such a request is made within three court days following the  
6 ENE session. If no such request is timely received by the Court, the documents will be destroyed.

7 DATED this 21st day of October, 2010.

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10 ROBERT J. JOHNSTON  
11 United States Magistrate Judge  
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